IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 14.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.2181 of 2001

V.Subramanian ... Appellant

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Madras.

2.The Registrar of Societies,
(Salem West),
Salem.

3.The Salem District Lorry Owners
Association, No.5, B-Block,
Gundu Chetty Street,
Lorry Market,
Salem-636 002. .. Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 3.10.2001 made in W.P.No.16323 of 2001 presented to this Court under Article 226 of constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the entire records in Pa. Mu.No.48749/11/2000 dated 23.5.2001 on the file of the first respondent and quash the same and further direct the first respondent to pass fresh orders in the appeal filed by the 3rd respondent against the order in Ref.No.5555/Aa2/2000 dated 6.9.2000 on the file of the second respondent, after hearing the objections from all members of the third respondent concerned.

WEB COPY

For Appellant : Mr.D.Shivakumaran
For respondents 1 & 2 : Mr.P.Subramanian,
Government Advocate

For 3rd respondent : Mr.K.R.Ayyappa Mani

https://hcservices.ecourts.gov.in/hcservices/

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above appeal is directed against the order dated 3.10.2001 made in W.P.No.16323 of 2001, in and by which, the learned single Judge, by placing reliance on Section 45 of The Tamil Nadu Societies Registration Act, 1975, has dismissed the writ petition filed by the petitioner with liberty to file an appeal to the Government.

2. Heard the learned counsel for the appellant as well as the respondents.

3. Though an elaborate argument was advanced with reference to the order passed by the first respondent-Inspector General of Registration, Chennai, the learned Government Advocate appearing for respondents 1 and 2, by drawing our attention to Section 45(1) of the Tamil Nadu Societies Registration Act, 1975, has submitted that irrespective of the conclusion, since the impugned order being an order passed by the Inspector General of Registration, Chennai, the aggrieved person has to move the Government by way of an appeal. Inasmuch as the counsel appearing for the appellant is also agreeable to take a chance before the Government/appellate authority, we are of the view that there is no need to go into the merits of the order passed by the Inspector General of Registration. In this way, we dismiss the appeal with liberty to the appellant to file an appeal to the Government within a period of four weeks from the date of receipt of a copy of this order. If such appeal is filed within the time mentioned above, the Government is directed to consider and dispose of the same on merits within a period of 12 weeks thereafter. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1.The Inspector General of Registration,
Santhome High Road,
Madras.

2.The Registrar of Societies,
(Salem West),
Salem.

+1cc to Govt. Pleader Sr 54813
+1cc to Mr.D.Shivakumaran,Advocate Sr 54867

RNA (CO)
km/16.11.

W.A.No.2181 of 2001

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/